

## Message Text

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ACTION IO-13

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 5335

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IO FOR WALTER DIAMANTI

PASS COMMERCE FOR PUSEY, USTS/CE

E.O. 11652:N/A

TAGS: AORG, BIE, FR

SUBJECT: BIE DRAFT PERSONNEL REGULATIONS

REF: (A) STATE 215937; (B) PARIS A-254

1. COMMENTS OUTLINED REF (A) ON BIE DRAFT PERSONNEL REGULATIONS WERE TRANSMITTED TO BIE AS REQUESTED. EMBOFFS ALSO SOUGHT ADVICE EMBASSY'S PERSONNEL OFFICE ON LOCAL PREVAILING PRACTICE AND REGULATIONS OTHER INTERNATIONAL ORGANIZATIONS. IN RESPONSE, BIE PREPARED POINT BY POINT REPLY, INCLUDING DISCUSSION ARTICLES 47-48, WHICH IS BEING FORWARDED TO STATE AND COMMERCE.

2. EMBOFFS MET SEPT. 22 WITH SECRETARY GENERAL CHALON TO DISCUSS SPECIFIC POINTS RAISED REFTEL AND BIE'S REPLY. AS RESULT OF THESE NEGOTIATIONS, SECRETARIAT CONCEDED THAT FOLLOWING ARTICLES COULD BE CHANGED IF BUDGET COMMITTEE AGREES:  
ARTICLE 1- WORKING HOURS CAN BE SPECIFICALLY STATED IF DESIRED. HOURS WERE NOT SPECIFIED TO GIVE BUREAU FLEXIBILITY DURING BUSY PERIODS WHEN UNCLASSIFIED

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OVERTIME REQUIRED AND SLOW PERIODS WHEN

HOURS CAN BE DECREASED.

ARTICLE 2 (3) - BIE WILLING TO STRIKE PROVISION FOR 8 DAYS YEARLY SPECIAL FAMILY LEAVE. THIS WAS ADDED AS MANAGEMENT TOOL TO ENABLE SECRETARY GENERAL TO PREVENT ANY ABUSES WHICH CAN ARISE IN SMALL ORGANIZATION. ACCORDING TO EMBASSY PERSONNEL OFFICE, PROVISION OF SPECIAL FAMILY LEAVE IS LOCAL PREVAILING PRACTICE IN FRANCE.

ARTICLE 6 - REQUIREMENT FOR PRE-EMPLOYMENT MEDICAL CLEARANCE SHOULD BE INCLUDED.

ARTICLE 7 - BIE IS IN AGREEMENT TO ELIMINATE PROVISION FOR USE OF BIE FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STAFF. THIS PROVISION WAS TAKEN FROM SIMILAR STATUTES OF OTHER INTERNATIONAL ORGANIZATIONS.

ARTICLE 11- (B) - BIE WISHES TO RETAIN 18 MONTHS COMPENSATION FOR EMPLOYEE DISMISSED FOR REASONS SPECIFIED IN ARTICLE 11 (A), BUT WOULD REDUCE THIS TO 12 MONTHS IF THIS IS CONSENSUS OF MEMBER STATE OPINION. MAXIMUMR PERMITTED BY OECD IS 24 MONTHS.

GENERAL COMMENTS: A STATEMENT CAN BE ADDED AT END OF REGULATIONS TO EFFECT THAT OFFICIAL LOCAL HOLIDAYS, MILITARY SERVICE, MATERNITY LEAVE , TAX POLICIES, ETC., WILL BE GOVERNED BY FRENCH LAW. IN PRACTICE, FRENCH LAW OR USAGE IS FOLLOWED ON ALL POINTS NOT SPECIFICALLY ADDRESSED IN THIS STUDY. NO PROVISION PROVIDED FOR HOME LEAVE SINCE PERSONNEL HIRED LOCALLY. OATH OF OFFICE IS NOT CUSTOMARY IN FRANCE. RE-OVERTIME PAY, SECRETARY GENERAL PREFERS FLEXIBILITY IN WORKING HOURS RATHER THAN PAYMENT FOR OVERTIME.

3. SECRETARY GENERAL RESISTED CHANGES IN FOLLOWING ARTICLES FOR REASONS LISTED BELOW. ADDITIONAL DETAILS ARE AVAILABLE IN BIE REPLY TO REFTEL.

ARTICLE 2 - ACCORDING TO BIE, PROVISION OF 2 1/2 WORK DAYS OF ANNUAL LEAVE PER MONTH WAS ADOPTED IN ACCORDANCE WITH PRACTICE OF OTHER. INTERNATIONAL ORGANIZATIONS HEADQUARTERED UNCLASSIFIED

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IN PARIS SUCH AS UNESCO, OECD, AND VARIOUS SMALLER ORGANIZATIONS. IN ADDITION, LEGAL MINIMUM IN FRANCE IS 24 WORK DAYS.

ARTICLE 3 - FRENCH SOCIAL SECURITY BENEFITS DO INCLUDE PENSION BENEFITS. HOWEVER, FRENCH LAW ALSO REQUIRES PARTICIPATION IN A SUPPLEMENTARY PLAN SINCE BASIC PENSIONS ( AVEIHGPZ DJLMMT IOQOLS 3) ;

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D UPBZHD INADQUATE.

ARTICLE 4 - PROVISION OF 1 1/2 YEARS OF SALARY FOR  
ABSENCE DUE TO ILLNESS OR INJURY IS BASED ON  
PRACTICE IN OTHER INTERNATIONAL  
ORGANIZATIONS. EXAMPLES OF PROVISIONS OTHER  
ORGANIZATIONS AVAILABLE IN BIE'S REPLY TO  
POINTS RAISED REFTEL.

ARTICLE 5 - WHILE BIE WILLING TO AGREE TO SUGGESTED  
CHANGE, EMBASSY PERSONNEL OFFICE HAS  
POINTED OUT THAT PREVAILING PRACTICE IN  
FRANCE DOES NOT INCLUDE DEATH BENEFITS  
PROVISION AS PART OF PENSION PLAN. ALSO  
DEATH BENEFITS PROVISIONS OF UNESCO ARE  
NOT PART OF PENSION PLAN.

ARTICLE 10 - ACCORDING TO BIE, REQUIREMENT OF THREE  
MONTHS NOTICE FOR A DEPARTING EMPLOYEE IS  
CALLED FOR IN REGULATIONS OF OTHER  
INTERNATIONAL ORGANIZATIONS. THIS MARGIN  
PARTICULARLY IMPORTANT IN SMALL OFFICE LIKE  
BIE WHERE ONE DEPARTURE REDUCES STAFF BY  
25 PERCENT.

4. COMMENT: BIE IS VERY SMALL INTERNATIONAL ORGANIZATION  
CONSISTING OF THREE PEOPLE IN ADDITION TO SECRETARY  
GENERAL. THUS ORGANIZATION TENDS TO BE MORE FLUID RATHER  
THAN BASED ON STRICT REGULATIONS REQUIRED IN LARGER  
ORGANIZATIONS. BLODGETT AND PLAISTED WILL ATTEND SEPT.  
29 ADMINISTRATION AND BUDGET COMMITTEE MEETING WITH  
OBSERVER STATUS TO RAISE POINTS LISTED PARAGRAPH 2.  
HOWEVER, UNLESS INSTRUCTED OTHERWISE, WE DO NOT BELIEVE  
WE CAN COMBAT ARTICLES WHICH ARE IN ACCORD WITH LOCAL  
PREVAILING PRACTICE AND REGULATIONS OF OTHER  
INTERNATIONAL ORGANIZATIONS HEADQUARTERED IN PARIS.  
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INDEED EMBASSY'S OWN LOCAL PAY SCALE CAPITALIZES  
MONETARY VALUE OF THESE FRENCH FRINGE BENEFITS. WE  
WILL, OF COURSE, GO ON RECORD IN BUDGET COMMITTEE ( AS  
OTHER MEMBERS HAVE DONE) AGAINST COSTLY PERSONNEL  
PRACTICES. IT SHOULD BE RECOGNIZED THAT US LEVERAGE  
IN BIE IS LESS THAN IN UN ORGANIZATIONS BECAUSE OUR SHARE  
OF TOTAL BUDGET IS ONLY ABOUT 10 PERCENT.

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